

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM W. GILMORE, D.D.S.,

FINAL DECISION AND ORDER

RESPONDENT.

LS9904191DEN

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

*William W. Gilmore, D.D.S.
1809 East Milwaukee Street
Janesville, WI 53545*

*Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. William W. Gilmore (D.O.B. 11/28/59) is duly licensed in the state of Wisconsin as a dentist (license # 4712). This license was first granted on July 24, 1995.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1809 East Milwaukee Street, Janesville, WI 53545. Respondent is engaged in the general practice of dentistry.
3. At all times relevant to this action Dr. Wayne M. Gilmore, D.D.S. maintained dental offices at Whitewater and Janesville, Wisconsin. Dr. Wayne M. Gilmore maintained a supply of prescription order forms for use with his patients which contained the following printed information:

Wayne M. Gilmore, D.D.S.

51 South River Street

Janesville, WI 53545

Reg # AG *****

4. Respondent, William W. Gilmore, commenced the practice of dentistry on August 1, 1995. Initially he worked Monday and Tuesday alone at the Whitewater office and the remainder of the work week was spent at the Janesville office.

5. From August 1, 1995, to at least October 2, 1996, Respondent issued prescription orders for prescription drugs to his patients on prescription forms bearing the printed name, address and registration number of Wayne M. Gilmore. This practice was in violation of Wis. Stats. sec. 450.11(1) and (7) which require prescription orders to specify the correct name and address of the issuing practitioner in addition to the signature of the practitioner when the order is written.
6. Respondent was issued a D.E.A. registration certificate on March 26, 1996. Wis. Stats. sec. 961.32 and federal law 21 CFR 1301.11(a) and 1301.13(a) require that a practitioner obtain a D.E.A. registration certificate before engaging in any activity involving distribution of controlled substances. On at least two occasions prior to obtaining D.E.A. registration Respondent issued prescription orders for controlled substances (Vicodin ES) to his patients.
7. Wis. Adm. Code sec. Phar 8.05(1) and federal law 21 CFR 1306.05(a) require that prescription orders issued for controlled substances contain the name, address and registration number of the issuing practitioner. On at least four occasions Respondent issued prescription orders for controlled substances (Vicodin ES) to his patients using prescription forms bearing the name, address and D.E.A. registration number of Wayne M. Gilmore.

CONCLUSIONS OF LAW

By the conduct described above, William W. Gilmore is subject to disciplinary action against his license to practice as a dentist in the state of Wisconsin, pursuant to Wis. Stats. sec. 447.07(3)(a), (f) and (L), and Wis. Adm. Code sec. DE 5.02(6), (16) and (20) .

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. William W. Gilmore is REPRIMANDED for his unprofessional conduct.
2. Respondent shall pay to the Department of Regulation and Licensing within thirty days of the date of this Order a forfeiture in the sum of One Thousand Dollars.
3. Respondent shall pay to the Department of Regulation and Licensing within thirty days of the date of this Order the costs of the investigation and prosecution of this action in the sum of Four Hundred Dollars.
4. The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".
5. This Order shall become effective upon the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By:

Mark Curran, D.D.S.
A Member of the Board

May 5, 1999
Date

